

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

JOHNNY BUNTING,

Plaintiff,

v.

DECISION AND ORDER
14-CV-578A

BRIAN FISCHER, ALBERT PRACK,
NORMAN BEZIO, SIBATU KHAHAIFA,
MARK PASSAGE, DAVID F. NAPOLI,
M. SHEAHAN, JAMES ESGROW,
RICHARD A. DONAHUE,
PATRICK GRIFFIN, THOMAS GRIFFIN,
STEPHEN WENDERLICH,

Defendants.

The above-referenced case was referred to Magistrate Judge Michael J. Roemer, pursuant to 28 U.S.C. § 636(b)(1)(B). On August 4, 2016, Magistrate Judge Roemer filed a Report and Recommendation (Dkt. No. 24), recommending that defendants' motion to dismiss for failure to state a claim (Dkt. No.16) be granted.

The Court has carefully reviewed the Report and Recommendation, the record in this case, and the pleadings and materials submitted by the parties, and no objections having been timely filed, it is hereby

ORDERED, that pursuant to 28 U.S.C. § 636(b)(1), and for the reasons set forth in Magistrate Judge Roemer's Report and Recommendation, defendants' motion to dismiss for failure to state a claim is granted.

The Clerk of Court shall take all steps necessary to close the case.

IT IS SO ORDERED.

Richard J. Arcara

HONORABLE RICHARD J. ARCARA
UNITED STATES DISTRICT COURT

Dated: September 14, 2016